

BS00155
U.S. Application No. 09/751,702 Examiner BROWN, Art Unit 2623
Response to April 20, 2007 Office Action

REMARKS

In response to the Office Action dated April 20, 2007, the Assignee respectfully requests reconsideration based on the above claim amendments and on the following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited references.

Claims 1-5 and 11-15 are pending in this application. Claims 6-10 and 16-28 were previously canceled without prejudice or disclaimer.

The United States Patent and Trademark Office (the "Office") rejected claims 1, 3-5, 11, and 13-15 under 35 U.S.C. § 103 (a) as being allegedly obvious over U.S. Patent 5,710,815 to Ming *et al.* in view of U.S. Patent 6,947,966 to Oko *et al.* Claims 2 and 12 were rejected under 35 U.S.C. § 103 (a) as being allegedly obvious over *Ming* in view of *Oko* and further in view of U.S. Patent 6,122,660 to Baransky *et al.*

The Assignee shows, however, that the pending claims are not obviated by the cited documents. The Assignee thus respectively submits that the pending claims distinguish over the cited documents.

Rejection of Claims 1, 3-5, 11, & 13-15 under § 103 (a)

Claims 1, 3-5, 11, and 13-15 were rejected under 35 U.S.C. § 103 (a) as being allegedly obvious over U.S. Patent 5,710,815 to Ming *et al.* in view of U.S. Patent 6,947,966 to Oko *et al.*

These claims, however, cannot be obvious over *Ming* and *Oko*. These claims recite, or incorporate, many features that are not taught or suggested by the combined teaching of *Ming* and *Oko*. Independent claim 1, for example, recites "*a default setting ... , with only portions of the program that vary from the default setting assigned the program control data to reduce an amount of information received.*" Support for such features may be found at least in the as-filed application at page 13, lines 15-23. Independent claim 1 also recites "*program control data*

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comprising control instructions to modify discrete portions of the program when a viewer's presentation preferences differ from the program control data." Independent claim 1 also recites "when the viewer's presentation preferences differ from the program control data, then means for substituting a discrete portion of the program with replacement program data available from another source, according to the control instructions." Support for such features may be found at least in the as-filed application at page 3, lines 7-11, at page 4, lines 7-12 and lines 22-24, and at page 8, lines 24-28. Independent claim 1 is reproduced below, and independent claim 11 recites similar features.

1. A system for controlling and managing presentation to viewers of programming content, the system comprising:

a processor communicating with memory and with a user interface, the processor adapted to receive the programming content comprising a program and program control data, the program control data having a data format in which a default setting is subsequently followed by a series of data records, with one or more of the data records associated with a particular portion of the program, the one or more of the data records having a linear representation comprising an offset time stamp, a rating value, a content attribute value, a component value, and an action, with only portions of the program that vary from the default setting assigned the program control data to reduce an amount of information received, the program control data comprising control instructions to modify discrete portions of the program when a viewer's presentation preferences differ from the program control data;

the viewer interface adapted to receive information related to program presentation preferences of a viewer;

when the viewer's presentation preferences differ from the program control data, then means for substituting a discrete portion of the program with replacement program data available from another source, according to the control instructions;

means for outputting the modified program on a display device;

the processor receiving a vote via the user interface that suggests an alternative plot for the program; and

the processor receiving alternative programming based on tabulated votes.

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Ming and *Oko* cannot obviate all these features. Examiner Brown is correct — *Ming* describes a decoder that receives “access control data” that is embedded into cable video signals. U.S. Patent 5,710,815 to *Ming et al.* at column 6, lines 5-10. The decoder compares the access control data to a user’s “category codes” and blocks, or “precludes,” viewing of programming. *Id.* at column 7, line 65 through column 8, line 30. Examiner Brown is also correct — *Oko* discloses polling users for the outcome of programs. The combined teaching of *Ming* with *Oko*, however, still fails to teach or suggest “*a default setting . . . , with only portions of the program that vary from the default setting assigned the program control data to reduce an amount of information received.*” The combined teaching of *Ming* with *Oko* also fails to teach or suggest “*program control data comprising control instructions to modify discrete portions of the program when a viewer's presentation preferences differ from the program control data*” and “*when the viewer's presentation preferences differ from the program control data, then means for substituting a discrete portion of the program with replacement program data available from another source, according to the control instructions.*”

Claims 1, 3-5, 11, and 13-15, then, cannot be obvious. Independent claims 1 and 11 recite many features that are not taught or suggested by *Ming* and *Oko*. Dependent claims 3-5 and 13-15 incorporate these same features and recite additional features. Claims 1, 3-5, 11, and 13-15, then, cannot be obvious, so Examiner Brown is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 2 & 12 under § 103 (a)

Claims 2 and 12 were rejected under 35 U.S.C. § 103 (a) as being allegedly obvious over *Ming* in view of *Oko* and further in view of U.S. Patent 6,122,660 to Baransky *et al.* Claims 2 and 12, however, depend, respectively, from independent claims 1 and 11 and, thus, incorporate the same distinguishing features. As the above paragraphs explained, the combined teaching of *Ming* with *Oko* fails to teach or suggest many of the features recited in independent claims 1 and 11. The patent to Baransky *et al.* does not cure these deficiencies. The patent to Baransky *et al.* discloses a broadcast stream with sub-streams. Still, though, the combined teaching of *Ming*

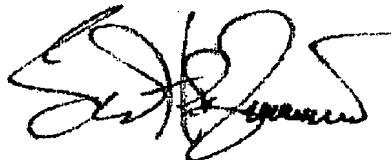
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with *Oko* and with *Baransky* fails to teach or suggest many of the features incorporated into claims 2 and 12. Claims 2 and 12, then, cannot be obvious, so Examiner Brown is respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,



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